

REGULATION 5113.1: Chronic Absence and Truancy
Comparison Chart
 Section: Students

SUMMARY OF UPDATE

Summary of Update: Regulation updated to reflect law allowing the referral of a chronic absentee (rather than a student who is "irregular in attendance") to a school attendance review board (SARB), a truancy mediation, or a comparable program and requiring documentation of the interventions undertaken at the school when making such a referral. Regulation also revised to give students who are absent the opportunity to make up missed work for full credit and support to limit the impact of absences on grades. Regulation clarifies that parents/guardians of students between 13 and 18 years of age must be notified, upon initial identification of their child for truancy, that the student may be subject to suspension, or delay of driving privilege.

CSBA NOTE: The following administrative regulation may be revised to reflect the district personnel responsible for duties related to attendance supervision and matters related to chronic absence and truancy. Pursuant to Education Code 48240-48246, the district may appoint an attendance supervisor, join a consortium of districts to employ an attendance supervisor, or contract with the County Superintendent of Schools to supervise the attendance of district students. See AR 5113.11 - Attendance Supervision.

Education Code 48273 mandates that the district adopt rules and regulations related to reports of district referrals to a school attendance review board (SARB). See the section on "Reports" below for language fulfilling this mandate.

PARA	Section	Sub-Section	March 12, 2019 CURRENT VERSION	October 2020 REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
			Definitions	No change	
1			Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays.	No change	
2			Truant means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions	No change	

		in one school year, or any combination thereof.		
3		Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after either of the two previous reports.	No change	
4		Chronic truant means a student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements of Education Code 48260 48260.5, 48261, 48262, 48263, and 48291.	No change	
5		For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5. A valid excuse also may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.	For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the reasons for which a student shall be excused from school pursuant to Education Code 48205 and 48225.5 and AR 5113 - Absences and Excuses. A valid excuse may include other reasons that are within the discretion of school administrators and, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.	CSBA NOTE: As provided above, definitions of the various categories of truancy are based on the number of absences from school without a valid excuse. Education Code 48260 defines a "valid excuse," for purposes of classifying a student as a truant, as any of the reasons specified in Education Code 48205 (i.e., illness, quarantine, health services appointments, funeral service attendance, jury duty, illness or medical appointment of student's child, justifiable personal reasons, service on precinct board, time with family member called to active duty or on leave from active duty, and religious exercises), Education Code 48225.5 (i.e., entertainment or allied industries work permits and nonprofit organization performances), or other reasons at the discretion of school administrators. AR 5113 - Absences and Excuses reflects the reasons that students may be excused from

					school and provides information about methods of verification of student absences.
			Addressing Chronic Absence	No change	
1			When a student is identified as a chronic absentee, the Superintendent or designee shall communicate with the student and his/her parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.	When a student is identified as a chronic absentee, the Superintendent, attendance supervisor, or designee shall communicate with the student and the student's parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.	CSBA NOTE: The following optional section may be revised to reflect district practice.
2			The student may be referred to a student success team or school-site attendance review team to assist in evaluating his/her needs and identifying strategies and programs to assist him/her.	The student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs to assist the student. When necessary, the student may be referred to a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee, in accordance with Education Code 48263 and item #3 in the section "Addressing Truancy" below.	
3			A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.	No change	
				Students who are absent shall be given an opportunity to make up missed assignments or assessments and shall receive full credit for satisfactory completion of the work. Students	New paragraph added CSBA NOTE: Pursuant to Education Code 49067, the Governing Board may authorize

			with excessive absences shall be supported to the extent possible to limit the impact of absences on the student's grades.	teachers to assign failing grades to students with excessive unexcused absences, with the threshold number of absences established by the Board. See BP 5121 - Grades/Evaluation of Student Achievement. However, CSBA's governance brief Research- Supported Strategies to Improve the Accuracy and Fairness of Grades recommends that student absences be dealt with separately from grading and that absences should not be considered in determining a student's level of understanding of course content. The following paragraph is consistent with that recommendation and may be revised to reflect district practice.
4		Whenever chronic absenteeism is linked to a health issue or non-school condition, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.	Whenever chronic absenteeism is linked to a health, social-emotional, family, or other non-school issue, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and the student's family.	
		Addressing Truancy	No change	
1		An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266.	An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266.	
2		The Superintendent or designee shall investigate a complaint from any person that a parent/guardian has violated the state	The Superintendent, attendance supervisor, or designee shall investigate a complaint from any person that a parent/guardian has	

		compulsory education laws contained in Education Code 48200-48341.	violated the state compulsory education laws contained in Education Code 48200-48341.	
3		When a student has been identified as a truant, as defined above, the following steps shall be implemented based on the number of truanancies he/she has committed:	When a student has been identified as a truant as defined above, the following steps shall be implemented based on the number of truanancies the student has committed:	
	1	Initial truancy	No change	
		a The student shall be reported to the Superintendent or designee	he student shall be reported to the Superintendent, attendance supervisor, or designee.	
		b The student's parent/guardian shall be notified by the most cost-effective method possible, which may include email or a telephone call, that:	No change	CSBA NOTE: When a student is classified as truant, Education Code 48260.5 requires notification of the student's parents/guardians by the most cost-effective method possible, which may include email or a telephone call. The California Department of Education's (CDE) School Attendance Review Board: A Road Map for Improved School Attendance and Behavior provides sample letters.
		b1 The student is truant	No change	
		b2 The parent/guardian is obligated to compel the student to attend school. If the parent/guardian fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296	The parent/guardian is obligated to compel the student to attend school and, if the parent/guardian fails to meet this obligation, the parent/guardian may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.	
		b3 Alternative educational programs are available in the district	No change	
		b4 The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy	No change	
		b5 The student may be subject to arrest or held in temporary custody by a probation officer, a	No change	

		peace officer, a school administrator or designee, or attendance supervisor or designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse		
	b6	The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7	Delete	
	b7	It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day	No change	
	c	The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223	No change	
	d	The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance	The student and, as appropriate, the student's parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance.	
	e	The Superintendent or designee may notify the district attorney and/or probation officer of the student's name and the name and address of his/her parents/guardians	The Superintendent, attendance supervisor, or designee may notify the district attorney and/or probation officer of the student's name and the name and address of the student's parents/guardians.	CSBA NOTE: The following optional item is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program pursuant to Education Code 48260.6.
	2	Second truancy	No change	
	a	Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without valid excuse one or more days or is tardy on one or more days during the school year	Any student who has once been reported as a truant shall again be reported to the Superintendent, attendance supervisor, or designee as a truant if the student is absent from school without a valid excuse one or more days or is tardy on one or more days during the school year.	

	b	The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223	No change	
	c	The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below	The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, the student shall be subject to item #3 below.	
	d	An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and his/her parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call	An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and the student's parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call.	CSBA NOTE: Education Code 48262 provides that a student cannot be classified as a habitual truant (item #3 below) until the district has made a conscientious effort to hold at least one conference with the student and parent/guardian after the attendance supervisor has been notified of either the first or second truancy. Education Code 48262 defines "conscientious effort," for purposes of this section, as attempting to communicate with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. Thus, the following paragraph requires such communication in the event of the second truancy.
	e	The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school	No change	
	f	The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents have been notified in accordance #1b above	The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above.	CSBA NOTE: The following optional item is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program. Pursuant to Education Code 48260.6, if the district notifies

				the district attorney and/or probation officer that a student continues to be classified as a truant after proper notification to the parents/guardians as described in item #1b above, the district attorney or probation officer may request a meeting with the student and the student's parents/guardians to discuss the possible legal consequences of the student's truancy.
	3	Third truancy (habitual truancy)	No change	
		a	A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee	A student who is habitually truant, a chronic absentee, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a SARB program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee.
		b	Upon making a referral to the SARB or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with	CSBA NOTE: Education Code 48263 and 48264.5 authorize the district to refer habitual truants, chronic absentees, and students who are habitually insubordinate or disorderly to a SARB, a county truancy mediation program, or a comparable program for services. The district should revise the following items to reflect the option(s) available in the district. According to CDE's School Attendance Review Board: A Road Map for Improved School Attendance and Behavior, prior to referring a student to a SARB or county truancy mediation program, some districts initiate an intermediate step, such as a school-site attendance review team or student success team. Districts that have established such an intermediate step may revise the following item accordingly.
			Upon making a referral to the SARB or the probation department, the Superintendent, attendance supervisor, or other person designated to make the referral shall provide the student, the student's parent/guardian, and SARB or probation department with documentation of the interventions undertaken at the school. The attendance	

		the district staff person making the referral, to meet with the SARB or probation officer to consider a proper disposition of the referral	supervisor or designee shall also provide the student and the student's parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and the student's parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral.	
	c	If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below	If the student does not successfully complete the truancy mediation program or other similar program, the student shall be subject to item #4 below.	
	d	If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer	If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or the student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the district attorney and/or the probation officer.	CSBA NOTE: Pursuant to Education Code 48263, the SARB or probation officer may direct a student and/or the student's parents/guardians to make use of available community services and may require satisfactory evidence of participation. If the SARB or probation officer determines that available community resources cannot resolve the problem, or if the student and/or the student's parents/guardians have failed to respond to the directives of the SARB or probation officer, the SARB may so notify the district attorney and/or probation officer, or the probation officer may notify the district attorney provided the district attorney or probation officer participates in a truancy mediation program. If the county has not established a SARB, the district may make this finding and notification. The following paragraph is for use by districts in which the county has not established a SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program.

	4		Fourth truancy	No change	
		a	Upon his/her fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court	Upon the fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court.	
		b	If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation	If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant or tardy on one or more days without a valid excuse in the same or succeeding school Policy Reference Disclaimer: year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be notified within 10 days of the violation.	CSBA NOTE: Pursuant to Education Code 48264.5 and Welfare and Institutions Code 601, a student coming within the jurisdiction of the juvenile court may be adjudged a ward of the court and required to perform community service, pay a fine, attend a court-approved truancy prevention program, and/or lose driving privileges. In L.A. v. Superior Court of San Diego County, a court of appeal held that juvenile court judges have the authority to imprison a truant as a last resort if the student commits an egregious violation of a court order, less restrictive alternatives have proved ineffective, and the student is confined separately from youths held for criminal violations.
	5		Chronic truancy (unexcused absence for 10 percent of school days)	No change	CSBA NOTE: Item #5 below is for use by districts that offer any of grades K-8. Penal Code 270.1 states that a parent/guardian of a "chronic truant" who is at least six years old and is in any of grades K-8 is guilty of a misdemeanor punishable by a fine and/or imprisonment if the parent/guardian has failed to reasonably supervise and encourage the student's school attendance and has been offered language accessible support services to address the student's truancy. Pursuant to Penal Code 270.1, a parent/guardian found guilty of a misdemeanor may participate in a program established by a superior court, if available, which includes periodic meetings with district representatives and service referrals.

		a	The Superintendent or designee shall ensure that the student’s parents/guardians are offered language-accessible support services to address the student’s truancy	No change	
		b	If a chronically truant student is at least age 6 years and is in any of grades K-8, the Superintendent or designee shall notify the students’ parents/guardians that failure to reasonably supervise and encourage the student’s school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1	No change	
			Reports	No change	
1			The Superintendent or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. The Superintendent or designee also shall document all contacts with a student and his/her parent/guardian regarding the student’s attendance, including a summary of all conversations and a record of all intervention efforts.	The Superintendent, attendance supervisor, or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. In addition, the attendance supervisor, designee, and/or the staff persons who have direct contact with the student or parent/guardian shall document all their contacts regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.	CSBA NOTE: The following optional paragraph may be revised to reflect district practice. CDE's School Attendance Review Board: A Road Map for Improved School Attendance and Behavior cautions that it is important to keep accurate and complete records of any violations of compulsory school attendance laws because such records may ultimately be introduced as evidence in a trial for truancy.
2			The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court.	The Superintendent, attendance supervisor, or designee shall gather and transmit to the County Superintendent of Schools the number and types of referrals made to the SARB and of requests for petitions made to the juvenile court.	